

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 2-20-2019
TIME: 11:37 a.m. (16 minutes)

***Castillo, et al. v. Perfume Worldwide Inc., et al.*
CV 17-2972 (JS)(AKT)**

TYPE OF CONFERENCE: **STATUS CONFERENCE**

APPEARANCES: Plaintiffs: Steven John Moser

Defendants: Jacques Catafago (Perfume Worldwide Inc., Piyush Golia)
Sima Ali

Non-Answering Defendants: Kanak Golia
Prabha Golia
Perfume Center of America, Inc.
Shri Parshwa Padmavati & Co., LLC
Roma Golia
Texvel, Inc.
John Doe Corporations 1-5

FTR: 11:37-11:53

THE FOLLOWING RULINGS WERE MADE:

1. The parties appeared for mediation of this FLSA/NYLL action on November 29, 2018 and executed a Settlement Term Sheet at the conclusion of the mediation. The Term Sheet was signed by counsel for all of the attending parties as well as by the named plaintiffs themselves. Apparently, in transitioning the Term Sheet into a full-blown Settlement Agreement, the parties have encountered several disputes. In response to the Court's request for a status report, counsel advised that they had a number of issues which need to be resolved and they requested a conference to discuss the same with the Court. The Conference was scheduled for today's calendar.
2. The Court noticed that one of the terms provides that the parties are consenting to the jurisdiction of this Court for all purposes. Counsel have not yet filed the Consent form, but I advised them if they plan to proceed along this path, I would not be issuing any advisory opinions today since I did not find this prospect appropriate if the case comes to me for all purposes.
3. After hearing from both sides, it is clear to the Court that the parties have different interpretations of at least two paragraphs of the Term Sheet. I advised counsel that given the circumstances, the issues need to be briefed and that there is existing case law which

addresses some of the issues they have raised. Counsel requested some time to confer and to provide the Court with a briefing schedule. Each side wishes to file its own independent formal motion under the Federal Rules and I granted that request. Counsel were urged to submit the proposed briefing schedule expeditiously for the Court's review.

4. In light of the foregoing circumstances, the anticipated motion for class certification is on hold until the issues discussed today are resolved.
5. The Court is also requesting that plaintiff's counsel advise the Court in writing what he intends to do about the non-answering defendants in this action.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge